

**ARIZONA BOARD OF APPRAISAL**  
1400 West Washington, Suite 360  
Phoenix, Arizona 85007  
(602)542-1539 FAX (602)542-1598  
Web Site: www.appraisal.state.az.us

**MINUTES**  
**REGULAR BOARD MEETING**  
**THURSDAY, MAY 15, 2008, 9:00 A.M.**

Board Members Present at Roll Call: Les Abrams, Jack Confer, Gabe Corral, Victor Hartsfield, Cynthia Henry, Michael Marquess, Debbie Rudd. A quorum was present. Board Members Present after Roll Call: None. Board Members Absent: Myra Jefferson. Vacant Board Member Positions: Certified General Appraiser.

Also Present at Roll Call: Debb Pearson, Executive Director; Beckie Loar, Regulatory Compliance Administrator; Jeanne Galvin, Assistant Attorney General.

Les Abrams acted as Chairperson and introduced new Board member, Victor Hartsfield.

The Board pledged allegiance to the flag of the United States of America.

Debbie Rudd moved that the Minutes of the April 18, 2008, Regular Board Meeting, be approved. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

**PUBLIC ANNOUNCEMENTS AND CALL TO PUBLIC**

None.

**COMPLAINT REVIEW**

Review and Action Concerning 2571, Mark L. Huffman.

Respondent and complainant appeared. Staff summary was read. Debbie Rudd moved that staff subpoena additional information and that the matter be referred to investigation. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2517, Thomas M. Boneff.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board accept the investigative report. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing violations and requiring remedial education. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2537, David M. Hossfield.

Respondent appeared. Debbie Rudd moved that the Board accept the investigative report. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Discipline citing the violations and providing for probation, mentorship and education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2278, Safa P. Sitto.

Respondent and James W. Brown appeared. Debbie Rudd moved that the Board approve James W. Brown, certified residential appraiser #20136, to act as Respondent's new mentor under the 7/20/07 Consent Agreement and Order of Discipline. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2569, Safa P. Sitto.

Respondent and Michael H. Orcutt, Esq., appeared. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Informal Hearing Concerning 2407, Jacob C. Smith.

Respondent did not appear. Debbie Rudd moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Probation citing the violations and providing for probation, mentorship and education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2015, Rodney R. Smith.

Respondent appeared. Debbie Rudd moved that the Board terminate Respondent's probation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2572, Jennifer A. Carpenter.

Respondent appeared. Staff summary was read. Michael Marquess moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing violations and requiring disciplinary education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2530, Carol J. Lucero.

Respondent did not appear but was represented by Thomas Stoops, Esq. Debbie Rudd moved that the matter be referred to investigation. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2585, Scott J. Reischl.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2593, Debbie M. Robinson.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing violations and requiring disciplinary education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2307, Razvan P. Silvas.

Respondent appeared. Debbie Rudd moved that the matter be tabled to the August meeting to allow the Board to request Respondent and his mentor to appear before the Board for discussion. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

**WORKSHOP ON OPEN MEETING LAW, EX PARTE COMMUNICATIONS AND CONFLICTS**

Nancy Beck, Assistant Attorney General, presented a workshop relating to the open meeting law, ex parte communications and conflicts.

**COMPLAINT REVIEW**

Christopher Munns, Assistant Attorney General, Solicitor General's Office, joined the meeting.

Review and Action Regarding Issues Dealing with Formal Hearing Concerning 2385/2386/2387/2388/2389/2390/2391, William H. Moffett.

Respondent appeared and was represented by Michael H. Orcutt, Esq. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. The Board heard oral arguments on behalf of the parties. Jack Confer moved that the Board offer Respondent a revised Consent Agreement and Order of Discipline citing violations and providing for suspension, probation, mentorship, education and reimbursement to the Board of its investigative costs. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Regarding Issues Dealing with Formal Hearing Concerning 07F-2225-BOA, Joshua Hernandez.

Respondent did not appear. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. The Board heard oral argument on behalf of the State. Gabe Corral moved that the Board accept Findings of Fact 1-17 of the Administrative Law Judge with modifications requested by the State to correct typographical errors, to read as follows:

**FINDINGS OF FACT**

1. The Arizona Board of Appraisal ("the Board") has been authorized and entrusted by the Arizona legislature to regulate the appraisal profession in the State of Arizona by issuing licenses, investigating complaints, and disciplining licensees.
2. The Board issued Licensed Residential appraiser Certificate No. 10453 to Respondent Joshua Hernandez. That license is currently scheduled to expire on August 31, 2009.
3. On August 15, 2006, the Board received a complaint that alleged violations of statutes, administrative regulations, and the Uniform Standards of Professional Appraisal Practice governing licensed appraisers. As part of the Board's investigation, it held an informal hearing, which Respondent attended.

4. The Board had received information that Respondent's company may have been involved in the preparation of the appraisal at issue in the complaint.

5. During the informal hearing, Respondent testified that he did not recall whether he had received any money for the appraisal at issue in the complaint.

6. On December 31, 2007, the Board issued a subpoena duces tecum to Respondent pursuant to A.R.S. § 32-3631(C) for "[c]opies of **ANY AND ALL** canceled checks, bank statements, and receipts for payment for the period from April 1, 2006, to and including July 31, 2006, for any and all bank accounts maintained by you." [Emphasis in original.]

7. The Board sent the subpoena via certified and regular mail to Respondent's address of record, 2608 W. Elm St., Phoenix, AZ 85017, with a cover letter informing Respondent that he was required to appear with the requested documents at the Board's office at 9:00 a.m. on January 14, 2008 or could comply with the subpoena, in lieu of a personal appearance, by providing the requested documents to the Board on or before January 11, 2008.

8. The copy of the cover letter and subpoena that had been sent to Respondent via certified mail was returned to the Board as unclaimed on January 22, 2008. The U.S. Post Office notation indicated that Respondent has been notified of the certified mail on January 3, 2008 and January 12, 2008.

9. The copy of the cover letter and subpoena that had been sent to Respondent via regular mail was not returned to the Board as undeliverable. The Board's Executive Director Deborah G. Pearson testified at the hearing that the Board had implemented office procedures to ensure that complaint-related correspondence was delivered to her.

10. The Board referred the matter to the Office of Administrative Hearings for the scheduling of a hearing in due course.

11. On March 10, 2008, the Board issued a Complaint and Notice of Hearing, setting an administrative hearing on April 23, 2008, at 9:00 a.m. and charging Respondent with a violation of A.R.S. § 32-3631(A)(8) in his failure to respond to or comply with the Board's subpoena.

12. The Complaint and Notice of Hearing was sent to Respondent via certified and regular mail to his most recent address of record of 2608 W. Elm St., Phoenix, AZ 85017.

13. On March 11, 2008, one Jose Vallejas sign to acknowledge receipt of the copy of the Complaint and Notice of Hearing sent via certified mail.

14. The copy of the Complaint and Notice of Hearing sent via regular mail was not returned to the Board.

15. Although the beginning of the duly noticed hearing was delayed fifteen minutes to allow Respondent additional travel time, he neither appeared personally or through an attorney, contacted the Office of Administrative Hearings to request a continuance or that the time for the hearing be further delayed, nor presented any evidence to defend his license.

16. The Board presented testimony and evidence to establish the facts set forth above.

17. In addition, as a factor in aggravation of the penalty, the Board had admitted into evidence a copy of the fully executed Consent Agreement and Order in Case No. 0621, in which Respondent had admitted to certain statutory violations and, as a result, had agreed to have his appraiser license suspended and then placed on disciplinary probation.

Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Gabe Corral moved that the Board accept Conclusions of Law 1-5 of the Administrative Law Judge to read as follows:

### **CONCLUSIONS OF LAW**

1. The notice of the hearing that the Board mailed to Respondent at his address of record was reasonable and Respondent is deemed to have received notice of the hearing.<sup>1</sup>
2. This matter lies within the Board's jurisdiction.<sup>2</sup>
3. The Board bears the burden of proof and must establish Respondent's statutory violation by a preponderance of the evidence.<sup>3</sup> "A preponderance of the evidence is such proof as convinces the trier of fact that the contention is more probably true than not."<sup>4</sup> A preponderance of the evidence is "[t]he greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other."<sup>5</sup>
4. The Board has established that Respondent violated A.R.S. § 32-3631(A)(8)<sup>6</sup> by failing to respond to its subpoena, which was properly issued pursuant to A.R.S. § 32-3631(C).<sup>7</sup>
5. With respect to the appropriate penalty, Respondent has a history of prior discipline against his license. More importantly, his failure either to respond to the subpoena or to keep the Board apprised of his current address indicates that, at this time, he cannot be regulated.

Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Gabe Corral moved that the Board modify the Order of the Administrative Law Judge to include its standard language regarding revocation decisions, to read as follows:

### **ORDER OF REVOCATION**

In issuing this order of discipline, the Board considers its obligations to fairly and consistently administer discipline, its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law,

#### **IT IS HEREBY ORDERED:**

1. That licensed residential appraiser certificate No. 10453 issued to Mr. Joshua Hernandez to practice as a Licensed Residential Appraiser is revoked as of the effective date of this Order.
2. That Mr. Hernandez shall immediately surrender his license by returning it to the Board office.
3. That Mr. Hernandez may not accept fees for or perform appraisals, appraisal reviews, consulting assignments, or any services governed by the Uniform Standards of Professional Appraisal Practice, A.R.S. § 32-3601, *et seq.*, or the rules promulgated thereunder.

---

1 See A.R.S. §§ 41-1092.04; 41-1092.05(D); 41-1061(A).

2 See A.R.S. § 32-3601 *et seq.*

3 See A.R.S. § 41-1092.07(G)(1); A.A.C. R2-19-119; *see also Vazanno v. Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

4 Morris K. Udall, ARIZONA LAW OF EVIDENCE § 5 (1960).

5 BLACK'S LAW DICTIONARY at page 1220 (8<sup>th</sup> ed. 1999).

6 This statute includes among the grounds for suspension, revocation, or other penalty against an appraiser license or certificate "[w]ilfully disregarding or violating any of the provisions of this chapter or the rules of the board for the administration and enforcement of this chapter.

7 This statute authorizes the Board to "issue subpoenas for the attendance of witnesses and the production of books, records, documents and other evidence necessary and relevant to an investigation or hearing."

4. That Mr. Hernandez is hereafter subject to the provisions of A.R.S. § 32-3638, which states that any person who is not licensed or certified as an appraiser and performs a real estate appraisal or appraisal review, or uses the designation of licensed or certified appraiser and/or provides false information to the Board is guilty of a Class 1 misdemeanor.

5. That if Mr. Hernandez reapplies for licensing or certification as an appraiser in the State of Arizona in the future, this disciplinary action may be considered as part of the substantive review of any application submitted by Mr. Meier, pursuant to A.R.S. § 32-3611(D).

6. Pursuant to the Board's Substantive Policy Statement #1, the Board considers the violations set forth herein to amount to Level V Violations for disciplinary purposes.

**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Respondent is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within 30 days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective 35 days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion upon the following roll call vote: Les Abrams--yes; Jack Confer--yes; Gabe Corral--yes; Victor Hartsfield--yes; Cynthia Henry--yes; Michael Marquess--yes; Debbie Rudd--yes.

**Review and Action Regarding Issues Dealing with Formal Hearing Concerning 2487, Nathan G. Morris.**

Respondent did not appear. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. The Board heard oral argument on behalf of the State. Debbie Rudd moved that the Board reoffer Respondent the proposed Consent Agreement and Order of Discipline citing violations and providing for probation, mentorship, and education. The motion was withdrawn. Gabe Corral moved that the Board reject the proposed settlement offer. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Gabe Corral moved that the matter proceed to formal hearing before the Office of Administrative Hearings (OAH) unless Respondent signs the original proposed Consent Agreement and Order of Discipline citing violations and providing for probation, mentorship, and education. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Christopher Munns, Assistant Attorney General, Solicitor General's Office, left the meeting.

**Informal Hearing Concerning 2486, Kisten L. Stormo.**

Respondent appeared, was sworn in, made statements to the Board and answered the Board's questions. Loren Whittaker, Esq., represented Respondent. Debbie Rudd moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Discipline citing the violations and providing for probation, mentorship and education. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2462/2463/2464/2465/2466/2467/2468/2469, Shawkat E. Halabu.

Respondent appeared. At the request of Respondent, Gabe Corral moved that the Board invite Respondent to an informal hearing. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2555, Kandace L. Levi.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Discipline citing the violations and providing for probation, mentorship and education. Jack Confer seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2582, S. Deborah Talleri.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Informal Hearing Concerning 2503, Randall P. Jacobs.

Respondent did not appear. Debbie Rudd moved that the Board refer the matter to formal hearing before the Office of Administrative Hearings (OAH). Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2618, Gary R. Campbell.

Respondent appeared. Staff summary was read. Michael Marquess moved that the Board find no violations and dismiss the complaint. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board open complaint 2649 against Henry W. Zyck, Jr. alleging violations in his appraisal. Jack Confer seconded the motion. The Board voted 6-1 in favor of the motion. Gabe Corral voted no.

Review and Action Concerning Superior Court Case CV-06-4140 (03F-1782-BOA/03F-1784-BOA), Felicia M. Coplan.

Respondent did not appear. Debbie Rudd moved that the Board go into Executive Session for legal advice. Jack Confer seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, Michael Marquess moved that the Board appeal the 2/26/08 Court Order/Notice/Ruling by Mohave County Superior Court. Jack Confer seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2488, Richard A. Webb.

Respondent did not appear. Jeanne Galvin updated the Board concerning Respondent's court proceedings. Debbie Rudd moved that the matter be tabled pending further action concerning Respondent's court proceedings. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2511, Marc L. Arnowitz.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigative report. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing violations and requiring remedial education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2516, Timothy R. Fortunato.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigative report. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Discipline citing violations and requiring probation, mentorship and education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2557, Joel N. Reissner.

Respondent did not appear. Debbie Rudd moved that the Board find Level IV violations and offer Respondent a Consent Agreement and Order of Discipline citing violations and requiring probation, mentorship and education. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2280/2281/2282/2283/2284/2285/2286/2287/2288/2289/2290/2291/2292/2293/2294/2295/ 2296/2297/2298/2299/2300/2301, Kym R. Gaudette.

Respondent did not appear. Debbie Rudd moved that the Board approve the mentor's revised report. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2321, Thomas J. Dozier.

Respondent did not appear. Debbie Rudd moved that the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Jack Confer seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2373, Thomas J. Dozier.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that staff subpoena additional information; and if Respondent does not comply with the subpoena, the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Jack Confer seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2339, Collin H. Lord.

Respondent did not appear. Gabe Corral recused himself. Debbie Rudd moved that the Board open complaint 2650 alleging noncompliance with the 10/12/07 nondisciplinary letter of remedial action. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.



Review and Action Concerning 2452/2457, Dana A. Miller.

Respondent did not appear. Debbie Rudd moved that the Board deny Respondent's attorney's request to continue the matter. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Jack Confer moved that the Board reject the proposed counteroffer and that the matter proceed to formal hearing before the Office of Administrative Hearings (OAH). Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2453, Jaime Topete.

Respondent did not appear. Michael Marquess moved that the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2479, Thomas D. Speelman.

Respondent did not appear. Michael Marquess moved that Respondent be granted until 6/10/08 to complete the nondisciplinary education; and if the education is not timely completed, that a complaint be opened alleging noncompliance with the 11/27/07 nondisciplinary letter of remedial action. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2493, Dawna Rogers.

Respondent did not appear. Debbie Rudd moved that the Board offer Respondent and Consent Agreement and Order of Suspension until the remedial education is completed; and if not Respondent does not sign the agreement, that a complaint be opened alleging noncompliance with the 11/26/07 nondisciplinary letter of remedial action. Jack Confer seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2504, Iver A. Bowden.

Respondent did not appear. Debbie Rudd moved that the Board invite Respondent to an informal hearing. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2554, Angus Hopkins III.

Respondent did not appear. Staff summary was read. Michael Marquess moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2574, Lyle F. Gallagher.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted 6-1 in favor of the motion. Michael Marquess voted no.

Review and Action Concerning 2576, Clare A. Williamson-Redding.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2578, Robyn K. Hardy.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2580, Cheryl A. Zormeier.

Respondent did not appear. Staff summary was read. Michael Marquess moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2586, Mark L. Andrews.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2587, Alan Weiner.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2591, Martin A. Riley.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2597, Eric S. Gow.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2617, Diana L. Warren.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2225, Joshua Hernandez.

Respondent did not appear. Upon the Board's 12-month file review, the Board noted that the matter was resolved previously in the meeting.

Review and Action Concerning 2311/2312/2313/2314/2315, Shahab A. Mehkri.

Respondent did not appear. Upon the Board's 12-month file review, staff was instructed to proceed with the formal hearing before the Office of Administrative Hearings (OAH).

**BOARD CHAIRPERSON REPORT**

Les Abrams updated the Board concerning: Rod Bolden's condition; the status of the subscription service to be added to the website; and the distribution of emails and correspondence. Les Abrams requested that discussions concerning "A Day With the Board" and photo identifications be added to the next agenda.

**EXECUTIVE DIRECTOR REPORT**

Debb Pearson reported on the status of the Assistant Attorney General's assignments; advised the complaint answer dates that had been extended by staff; reported the following complaint statistics as of 4/30/08 for calendar years 2006, 2007, and 2008:

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2007</u>	<u>2008</u>
Complaints received by Board	209	243	88		
Complaints heard by Board				619	273
<b><u>OF THOSE COMPLAINTS:</u></b>					
Complaints dismissed	73	90	7	98	19
Complaints referred to investigation	84	93	6	116	25
Complaints resolved with nondisciplinary letter of concern	30	16	3	20	5
Complaints resolved with nondisciplinary letter of remedial action	11	16	1	18	5
Complaints resolved with disciplinary letter of due diligence	6	10	0	9	4
Complaints resolved with probation	53	43	0	44	47
Complaints referred to informal hearing	67	58	0	79	21
Complaints referred to formal hearing	39	16	0	32	13
Complaints resolved with suspension	28	3	0	4	24
Complaints resolved with surrender	2	2	0	2	1
Complaints resolved with revocation	1	4	0	4	1
Complaints resolved with cease and desist letters	24	6	0	4	4
<b><u>Violation Levels:</u></b>					
I	35	21	3	25	6
II	11	25	0	23	9
III	22	37	0	41	20
IV	4	8	0	6	4
V	32	5	0	5	23

**Additional Information:**

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Jurisdiction Expired & Complaints Closed	21	20	11	7
Denials of New Applications	5	7	7	3
Denials of Renewal Applications	2	4	1	0

and updated the Board concerning the 4/21/08 Arizona Mortgage Fraud Task Force meeting at which she made a presentation concerning the Board's disciplinary rules.

**APPLICATION REVIEW COMMITTEE REPORT**

Debbie Rudd reported the following Arizona appraiser and property tax agent information as of April 15, 2008:

	<u>5/06</u>		<u>5/07</u>		<u>5/08</u>
Licensed Residential	982		1126		1021
Certified Residential	902		1003		1184
Certified General	769		791		823
Nonresident Temporary	83	Total 2736	37	Total 2958	37 Total 3065
Property Tax Agents	301		283		280

Gabe Corral moved that the Board accept the Committee's recommendations (see attached). Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Certified General Renewal Application #30928, David M. Lyons, substantively complete; and that the Board follow-up on the pending litigation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Gabe Corral moved that the Board approve the revised experience log and appraiser applications. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

**APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT**

Debbie Rudd moved that the Board accept the Committee's recommendations (see attached). Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Discussion and Action Concerning Appraisalport.**

Debbie Rudd moved that the Board take no action. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Discussion and Action Concerning Approval of Revised Supervising Appraiser's Notification of Engagement/Termination of Trainee; Revised Substantive Policy Statement #2, Guidelines for Supervising Appraisers and Trainees; and Revised Supervising Appraiser/Trainee FAQs to Become Effective 5/31/08.

Debbie Rudd moved that the Board approve the revised Supervising Appraiser's Notification of Engagement/Termination of Trainee; the revised Substantive Policy Statement #2, Guidelines for Supervising Appraisers and Trainees; and the revised Supervising Appraiser/Trainee FAQs to Become Effective 5/31/08. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Discussion and Possible Action Concerning Approval of Proposed Comments to the Appraisal Subcommittee Regarding 4/11/08 Proposed Amendments to ASC Policy Statement 10 G.

Debbie Rudd moved that the Board approve the proposed comments to the Appraisal Subcommittee regarding 4/11/08 Proposed Amendments to ASC Policy Statement 10 G. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Discussion and Possible Action Concerning Approval of Proposed Comments to the Appraiser Qualifications Board Regarding 5/2/08 2<sup>nd</sup> Exposure Draft of a Guide Note Applying to the *Real Property Appraiser Qualification Criteria*.

Debbie Rudd moved that the Board approve the proposed comments to the Appraiser Qualifications Board Regarding 5/2/08 2<sup>nd</sup> Exposure Draft of a Guide Note Applying to the *Real Property Appraiser Qualification Criteria*. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

**CONFIRMATION OF MEETING DATES, TIMES, LOCATIONS AND PURPOSES**

The upcoming Committee and Board meetings were scheduled as follows:

**June**

18	Application Review Committee	9:00 a.m.
19	Appraisal Testing and Education Committee	7:30 a.m.
19	Board	9:00 a.m.

**ADJOURNMENT**

The meeting was adjourned.

---

Lester G. Abrams, Chairperson

**RECOMMENDATIONS  
COMMITTEE ON APPLICATION REVIEW**

**To: Board of Appraisal**

**From: Application Review Committee**

**Date: May 15, 2008**

**Re: May 14, 2008 Recommendations**

**I. Report on number of Arizona Appraisers and Property Tax Agents:**

	<u>5/06</u>		<u>5/07</u>		<u>5/08</u>
Licensed Residential	982		1126		1021
Certified Residential	902		1003		1184
Certified General	769		791		823
Nonresident Temporary	83	Total 2736	37	Total 2958	37
Property Tax Agents	301		283		280
					Total 3065

**II. As a result of its May 14, 2008 meeting the Application Review Committee makes the following recommendations:**

**A. To approve the revised experience log and applications**

**B. To refer the following application to the full Board:**

30928 David M. Lyons

**C. To approve the following applications as substantively complete:**

**1. Renewal applications:**

21125 Dennis W. Bullock  
21388 Valerie Anne  
31434 Frank M. Russo

**2. Licensed Residential by exam unless noted otherwise:**

6965 Michael D. Pringle  
7396 Thomas M. O'Neil  
7410 Glen E. Thomason  
7411 Donald J. Thiessen

**3. Certified Residential by exam unless otherwise noted:**

6920	Charlotte E. Helm
7044	Kerry A. Sanguigni Jr.
7060	Robert D. Sather
7146	Jodi S. Petersen
7228	Darren D. Donaldson
7279	Stephanie L. Pepper
7293	George A. Shugard
7296	Leif W. Jensen
7298	Jodi C. Pinnt
7299	Robert E. Borbeck
7317	James H. McCormick
7374	Richard G. Roller(by reciprocity)
7402	Robert J. Fabis (by reciprocity)
7427	Michael C. Skaskiw

**4. Certified General by exam unless otherwise noted:**

7119	Debra A. Behrens
7154	Paul A. Groseta
7231	Chad A. Eschmeyer
7232	Paul R. Cooper
7398	Andrew W. Dorr
7414	Ronda J. Neese
7418	Angela B. Canavan

**D. To approve the following applications as substantively complete and confirm the issuance of the following license/certification:**

**1. Reciprocity**

21891	Thomas C. Nold
21892	Robert Sharp
21894	Jay A. Yeomans
21898	Leo F. Moisan
31626	Richard G. Lee
31627	Joseph S. Sloan
31628	Michael W. Massey
31629	Charles A. Bissell
31633	Lander Kyle Lewallen
31634	Deborah B. Kling
31635	Daniel S. Conner

**E. Nonresident Temporary**

**1. Certified General**

TP41096 Casey C. Gill  
TP41097 Donald P. Falk

**F. To disapprove the following applications as substantively incomplete and hold until substantively complete:**

7242 Janell P. Duvall  
7321 Hunter C. Bedell  
7415 Michael R. Green  
7428 Carl Parker III (by reciprocity)

**III. Applications Pending - Substantively Incomplete**

6953 Daniel J. Kennedy (by reciprocity)  
6998 Stephen Rich (by reciprocity)  
7017 Michael J. Heaton  
7027 Thomas E. Chambers  
7123 Todd S. Reiser  
7156 Debra T. Miller  
7200 Larry E. Roush  
7349 Austin R. Reissner  
7400 J. Bruce Ricciuti (by reciprocity)  
7417 Jeffrey R. Shouse (by reciprocity)

Notification of applicants with substantively incomplete applications who have not responded to the Committee's request for additional information. Pursuant to R4-46-202(D) applicants have up to a year to meet all requirements for license/certificate or applicant's file is to be closed by the Board and applicant shall reapply.



## RECOMMENDATIONS

### COMMITTEE ON APPRAISAL TESTING AND EDUCATION

**TO: Board of Appraisal**

**FROM: Committee on Appraisal Testing and Education**

**DATE: May 15, 2008**

**RE: May 15, 2008 Recommendations**

**As a result of its May 15, 2008 meeting the Committee on Appraisal Testing and Education makes the following recommendations:**

- I. Action regarding
- II. Action regarding proposed approval of **qualifying education courses:**

**A. Previously approved by the Board:**

- 1. Submitted by Arizona School of Real Estate and Business
  - a. **AP-04 Residential Market Analysis and Highest and Best Use, #ABA 0607-650-04 15 hours**  
\*Tracey Captain, Gasper Crimando, Neil Dauler-Phinney, Thomas Denny, Richard Fasano, Bill Gray, Kathleen Holmes, Faye Humphrey, Gretchen Koralewski, Don Miner, Roy Morris, Becky Ryan, Ron Schilling, Daniel Smith, Gerard Vick, John Wenner, David Ziegler  
Recommend Approval
  - b. **AP-05 Residential Appraiser Site Valuation and Cost Approach, #ABA 0607-651-05 15 hours**  
\*Frank Bell, Tracey Captain, Earl Cass, Gasper Crimando, Neil Dauler-Phinney, Richard Fasano, Bill Gray, Matt Hassett, Thomas Heineman, Kathleen Holmes, Faye Humphrey, Robert Kaczmarek, Kim Kobriger, Gretchen Koralewski, Jim Miller, Don Miner, Roy Morris, Becky Ryan, Ron Schilling, Daniel Smith, Rick Turkian, Gerard Vick, John Wenner, David Ziegler  
Recommend Approval
  - c. **AP-06 Residential Sales Comparison and Income Approaches, #ABA 0607-652-06 30 hours**  
\* Tracey Captain, Earl Cass, Gasper Crimando, Neil Dauler-Phinney, Thomas Denny, Richard Fasano, Bill Gray, Matt Hassett, Thomas Heineman, Kathleen Holmes, Faye Humphrey, Robert Kaczmarek, Kim Kobriger, Gretchen Koralewski, Jim Miller, Don Miner, Roy Morris, Becky Ryan, Ron Schilling, Daniel Smith, Rick Turkian, Gerard Vick, John Wenner, David Ziegler  
Recommend Approval

2. Submitted by Career Webschool
  - a. **Basic Appraisal**, #ABA D0406-523-01-02 Distance Education 60 hours  
\*A.M. Black  
Recommend Approval
  - b. **Basic Appraisal Procedures**, #ABA D0406-524-02 Distance Education 30 hours  
\*A.M. Black  
Recommend Approval
  - c. **Basic Appraisal Principles**, #ABA D0406-525-01 Distance Education 30 hours  
\*A.M. Black  
Recommend Approval
  - d. **Residential Report Writing & Case Studies**, #ABA D0406-526-07 Distance Education 15 hours  
\*A.M. Black  
Recommend Approval
3. Submitted by Hogan School of Real Estate
  - a. **Basic Appraisal Procedures**, #ABA 0507-646-02 30 hours  
\*Thomas Baker, Steven Cole, Sonny Solot  
Recommend Approval
  - b. **Residential Report Writing**, #ABA 0507-647-07 15 hours  
\*Thomas Baker, Steven Cole, Sonny Solot  
Recommend Approval
  - c. **Residential Sales Comparison & Income Approaches**, #ABA 0507-648-06 30 hours  
\*Thomas Baker, Steven Cole, Sonny Solot  
Recommend Approval
4. Submitted by McKissock Appraisal School
  - a. **Basic Appraisal Procedures**, #ABA D0507-649-02 Distance Education 30 hours  
\*Alan Simmons  
Recommend Approval

**B. Not previously approved by the Board:**

1. Submitted by Dynasty School
  - a. **Real Estate Finance Appraisers Edition**, 30 hours  
Distance Education  
\*Robert Abelson  
Recommend Approval
2. Submitted by Mesa Community College
  - a. **REA 270 Basic Appraisal Principles**, 30 hours  
Distance Education  
\*John Beshk, Christine Held  
Recommend Approval
  - b. **REA 271 Basic Appraisal Procedures**, 30 hours  
Distance Education  
\*John Beshk, Christine Held  
Recommend Approval

- c. **REA 273 Residential Market Analysis Highest & Best Use**, 15 hours  
Distance Education  
\*John Beshk, Christine Held  
Recommend Approval
- d. **REA 274 Residential Appraiser Site Valuation & Cost Approach**, 15 hours  
Distance Education  
\*John Beshk, Christine Held  
Recommend Approval
- e. **REA 275 Residential Sales Comparison & Income Approaches**, 30 hours  
Distance Education  
\*John Beshk, Christine Held  
Recommend Approval
- f. **REA 276 AA Residential Report Writing and Case Studies**, 15 hours  
Distance Education  
\*John Beshk, Christine Held  
Recommend Approval

III. Action regarding proposed approval of **continuing education courses**:

A. **Previously approved by the Board:**

- 1. Submitted by Appraisal Institute
  - a. **810 Computer Enhanced Cash Flow Modeling**, #ABA 1003-302 16 hours  
\*Joseph Magdziarz  
Recommend Approval
  - b. **Online Appraisal of Nursing Facilities**, #ABA D0705-451 Distance Education 9 hours  
\*James Tellatin  
Recommend Approval
  - c. **Online Analyzing Distressed Real Estate**, #ABA D0705-449 Distance Education 4 hours  
\*William Anglyn  
Recommend Approval
  - d. **Online Eminent Domain & Condemnation**, #ABA D0607-659 Distance Education 7 hours  
\*John Underwood  
Recommend Approval
  - e. **Online Appraising Convenience Stores**, #ABA D0607-656 Distance Education 7 hours  
\*Robert Bainbridge  
Recommend Approval
  - f. **Online Condominiums, Co-Ops & PUDs**, #ABA D0607-657 Distance Education 7 hours  
Recommend Approval
  - g. **Online Cost of Approach to Commercial Appraising**, #ABA D0607-658 Distance Education 7 hours  
\*Kern Slucter  
Recommend Approval

- h. **Online Feasibility, Market Value, Investment Timing: Option Value, #ABA D0607-660** Distance Education 7 hours  
\*Kenneth Lusht  
Recommend Approval
  - i. **Online Introduction to International Valuation Standards, #ABA D0607-661** Distance Education 7 hours  
\*Danny Wiley  
Recommend Approval
  - j. **Online the Professionals Guide to the Uniform Residential Appraisal Report, #ABA D0607-662** Distance Education 7 hours  
Recommend Approval
  - k. **Online Scope of Work: Expanding Your Range of Service, #ABA D0607-663** Distance Education 7 hours  
\*Stephanie Coleman  
Recommend Approval
  - l. **Online What Commercial Clients Would like Appraisers to know, #ABA D0607-664** Distance Education 7 hours  
\*Jim Amarin  
Recommend Approval
2. Submitted by the Arizona School of Real Estate & Business
- a. **3204 Appraisal Review Process, #ABA 0901-030** 7 hours  
\*Tracey Captain, Gasper Crimando, Richard Fasano, Bill Gray, Thomas Heineman, Kathleen Holmes, Kim Kobriger, Gretchen Koralewski, Don Miner, Roy Morris, Becky Ryan, Ron Schilling, Daniel Smith, Rick Turkian, Gerard Vick, David Ziegler  
Recommend Approval
  - b. **FNMA/FHA Requirements-Appraising Property Flip, #ABA 0607-667** 4 hours  
Tracey Captain, Gasper Crimando, Richard Fasano, Bill Gray, Thomas Heineman, Kathleen Holmes, Kim Kobriger, Gretchen Koralewski, Don Miner, Roy Morris, Becky Ryan, Ron Schilling, Daniel Smith, Rick Turkian, Gerard Vick, David Ziegler  
Recommend Approval
3. Submitted by Career Webschool
- a. **A URAR Form Review, #ABA D0406-527** Distance Education 7 hours  
\*A.M. Black  
Recommend Approval
4. Submitted by International Right of Way Association
- a. **Easement Valuation Course 403, #ABA 0807-686** 7 hours  
\*Sandra St. Arnauld  
Recommend Approval

**B. Not previously approved by the Board:**

- 1. Submitted by Acheson Appraisal Classes
  - a. **Appraisal Review, 4 hours**  
\*Daniel Smith  
Recommend Approval

2. Submitted by International Right of Way Association
  - a. **Reviewing Appraisals in Eminent Domain**, 7 hours  
\*Sandra St. Arnauld  
Recommend Approval
3. Submitted by McKissock Appraisal School
  - a. **REO and Foreclosures**, 5 hours  
Distance Education  
\*Andrew Leirer  
Recommend Approval

**IV. Action regarding proposed approval of instructor approval:**

1. Submitted by Arizona School of Real Estate & Business
  - a. **AP-10A Comprehensive Road Map to Supervising Entry-Level Appraisers**, #ABA 0208-733-10 20 hours  
James Adams, Tracey Captain, Earl Cass, Neil Dauler-Phinney, Michael Denious, Thomas Denny, Anthony Dinnell, Bill Dowdy, Richard Fasano, Bill Gray, Randy Helfman, Kathleen Holmes, Faye Humphrey, Kim Kobriger, Gretchen Koralewski, William Kozub, Mark Kramoltz, Don Miner, Shery Olsen, Roy Morris, David Rider, Kevin Rude, Becky Ryan, Ron Schilling, Daniel Smith, Don Spongberg, Rick Turkian, Gerard Vick, Fletcher Wilcox, David Ziegler  
Recommend Approval
2. Submitted by Foundation of Real Estate Appraisers
  - a. **Defensive Report Writing**, #ABA 1205-493 4 hours  
(1) Daniel Smith  
Recommend Approval
3. Submitted by Hogan School of Real Estate
  - a. **Supervising Beginning Appraisers: Plan For Success**, #ABA 0308-763 4 hours  
(1) Sanders K. Solot  
Recommend Approval